

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA****CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH****MONDAY MAY 5, 2003**

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8**Call City Council/Redevelopment Agency Meeting to Order**

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

Present

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

None

Public Comments Regarding 5:00 P.M. Portion of Council Meeting (See Next Page for Two Study Sessions and Closed Session Agenda Items)

- 1. Speaker informed Council of unsafe living conditions at Beachview Mobile Home Park (Closed Session Item 2) stated seeking help of Steve Gullage and requested City Attorney to assist.***
- 2. Speaker inquired re: Ascon Landfill update if property is sold, and liability of responsible owners, and range of costs.***
- 3. Speaker, President of Golden State Mobile Homeowners Association spoke re: Closed Session Item No. 2 relative to inspections of Beachview Mobile Home Park. Stated unsafe living conditions.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

(City Council) Study Session #1 – Presentation by the Fire Department Regarding Department of Toxic Substances Control (DTSC) Update on Ascon Landfill Site Located s/w Corner of Hamilton Avenue/Magnolia Street (.)

Acting Fire Chief Duane Olson will introduce Tom Cota, Branch Chief, and representatives from the Department of Toxic Substances (DTSC) who will present an update the recent activities associated with the Ascon Landfill Site located at the southwest corner of Hamilton Avenue and Magnolia Street.

- ** A PowerPoint presentation to be presented by the Department of Toxic Substances Control titled *Update Ascon Landfill Site* is included in the agenda packet.

Acting Fire Chief Olson introduced DTSC Branch Chief Cota and Christie Chiu of his staff. Mr. Cota spoke re: potential risks involved in remedial cleanup of site at Hamilton Avenue and Magnolia Street. Assessment of human and ecological risks discussed including cancer and non-cancer hazardous effects. Removal of soil and on site treatment is the chosen alternative. Groundwater Feasibility Study will be publicly noticed as a future activity. Timeline presented from PowerPoint estimated at approx. 2008. Truck routes to be identified after checking with Orange County Transit Authority (OCTA). Environmental Impact Report (EIR) will be completed in a year, after public hearings. Chevron-Texaco and Conoco-Phillips in process of escrow (closing 5/30/03). Approx. cost for cleanup is \$75 million and up. Mr. Cota also answered Council inquiries re: number of truckloads and California Environmental Quality Act (CEQA) process to mitigate damaged streets and impact on residences along truck route.

(City Council) Study Session #2 – Presentation by the City Attorney's Office Regarding Differences Between (1) City's Resolution No. 6524 Adopted by Council on 10/4/93 on the Code of Ethics; (2) Huntington Beach Municipal Code Chapter 2.05 Regulating Gifts to Public Officials; and (3) State Law (.)

City Attorney Jennifer McGrath will provide a summary of the differences between the City's adopted Code of Ethics, Huntington Beach Municipal Code Chapter 2.05 regulating Gifts to Public Officials, and State Law.

- ** 1) Communication from the City Attorney dated April 28, 2003 titled *Local and State Regulation of Gifts to Public Officials (Study Session materials for 5/5/03 City Council Meeting)* which transmits Resolution No. 6524 Code of Ethics adopted October 1993, and 2) a PowerPoint presentation titled *Local and State Regulation of Gifts to Public Officials* are included in the agenda packet. This PowerPoint includes a Recommended Action requesting Council to approve a motion to create a City Council committee to review the Code of Ethics, HBMC 2.05, and State Law.

City Attorney Jennifer McGrath reported from PowerPoint presentation included in the agenda packet.

Call Closed Session of City Council/Redevelopment Agency**Approved 7-0****Recommended Action:** Motion to recess to Closed Session on the following items:

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Epifania Huertero, et al. v. City of Huntington Beach, et al.**; United States District Court Case No. SA 01-1136. (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: five. Subject: **Potential Litigation re Nuisance at Beachview Mobile Home Park.** (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its attorney regarding pending litigation. Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Claim of Connie Brockway.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**
Authorized 7-0 filing of litigation on closed session #2

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present

Pledge of Allegiance/Flag Salute – Members of Golden West Swim Team, Huntington Beach

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown Act (Open Meetings Act) requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the day after the Council meeting.

Closed Session #2; E-14; and E-16.

Presentation - By Mayor Connie Boardman, commendation to Cindy Tran, a Huntington Beach resident and member of the Golden West Swim Club. At the Southern Junior Olympic Swimming Championships, Cindy set a USA National Swimming Record for girls ten years old and younger. Her time of 27.81 took nearly a second off the previous record, established before Cindy was even born in 1992. In addition to setting a national record, she placed herself on the All Time Top 25 Times List in an additional two events. She also established two Southern California Swimming records. It is safe to say that Cindy Tran is one of the best female swimmers in the country for her age and is a rising star. (160.40)

(Continued on the Next Page)

Presentation - To Mayor Connie Boardman and Police Chief Kenneth W. Small by Interval House a check for \$24,000. Interval House members who will be present are Sharon Wie, Christine Delabre, Jayshree Patel, Janine Limas, Inshirah Oweini, Maria Markova, and Flo Cotton. This money is from a grant that Interval House receives. They are required to share the money with Law Enforcement. Interval House and the Huntington Beach Police Department have been in partnership dealing with domestic violence victims since 1995. Interval House provides 24 hour hotlines, emergency shelter and transitional housing; individual, group and elder abuse counseling; a children's program; outreach and aftercare; a legal project; and an emergency response program. (160.40)

Presentation - To Mayor Connie Boardman and Jim Engle by the Huntington Beach Kiwanis Club, one check in the amount of \$3,000 for the *Ol' Fishin' Hole Derby* for children with disabilities, which will be held Friday, May 9, 2003, and for the *Friday Night Funtime Dances* that are held throughout the year at Edison Community Center for young adults with developmental disabilities.(160.40)

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Due to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council.

**This is the time to address Council regarding items of interest or
on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.

No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- 1. Parents thanked the Council for attending the Brain Tumor Fair at Lake Park, and informed Council that four cases of children have been diagnosed with brain tumors in the area of Yorktown Street. The parents informed Council of agencies investigating and their hope for public awareness of this illness.**
- 2. Speaker re: Golden West Swim Club read letter from coach recognizing swim team members.**
- 3. Speaker opposed to attacks on Councilmember Cook relative to last Council meeting subject of Yellow Ribbon Project.**
- 4. Speakers in support of Councilmember Cook's right to comments re: Yellow Ribbon project. Also spoke re: lack of funding support for veterans with Gulf War Syndrome (radioactive dust).**
- 5. Speaker presented invocation due to absence of invocation from agenda.**
- 6. Speaker opposed to those opposed to President Bush's actions – Iraq war.**
- 7. Speaker in support of resolving the close session in favor of Office of City Clerk, session #3.**
- 8. Speaker presented comments on various items on the Council agenda, including acknowledging achievements of Swim Team winner Cindy Tran and recommending world-class aquatic facility to be built in the city.**
- 9. Speaker who started "Yellow Ribbon Project" stated the Yellow Ribbons are for the soldiers who do not have a choice but to go where sent; and spoke re: the portions of Councilmember Cook's comments with which he disagreed.**

C-1. Council Committee/Council Liaison Reports – (None)**C-2. City Administrator's Report – (None)****C-3. (City Council) Review and Accept Shari Freidenrich, City Treasurer's March 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for March 2003.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for March 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Administrator announced that City Treasurer, Shari Freidenrich had been installed as the President of the California Municipal Treasurers' Association. Shari received the congratulations of Council & staff.

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council/Redevelopment Agency) Joint Public Hearing to Consider Approval of the Issuance of Multifamily Housing Revenue Bonds - Approve an Amendment to the Affordable Housing Covenant for Beachview Villa Apartments (106-Unit Multifamily Rental Project Located 8102 Ellis Avenue Formerly Known as Ellis Avenue SRO (Single Room Occupancy)) – Adopt Resolution No. 2003-30 (.)

Communication from the Economic Development Director/Deputy Executive Director.

Joint public hearing to consider approval of the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount of approximately \$8,000,000 the principal amount of which will be applied to the financing of the acquisition and construction of a 106*-unit multifamily residential rental facility to be commonly known as the Beachview Villa Apartments (the "Project") to be located at 8102 Ellis in the City of Huntington Beach, California.

The owner of the Project will be Huntington Beach Housing Associates, L.P., a California limited partnership.

*Publicly Noticed as 107 units.

All those interested in matters related to the issuance of the revenue bonds are invited to attend and be heard at the meeting, which will commence at 5:00 p.m., and will be held in the City Council Chambers, located at 2000 Main Street, Huntington Beach, California. If you have any questions regarding this matter, please call Michael LaPierre of the California Statewide Communities Development Authority, at (925) 933-9229, or the Huntington Beach City Clerk at (714) 536-5227. A staff report on the proposed bond issue will be available for public review at the Huntington Beach City Clerk's Office on April 30, 2003.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

City Council Actions:

1. Open the public hearing, take testimony, and close the public hearing on the proposed issuance of Multifamily Housing Revenue Bonds;

and

2. Adopt **Resolution No. 2003-30** - *"Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Multifamily Housing Revenue Bonds for the Purpose of Financing the Acquisition and Construction of the Beachview Villa Apartments;"*

Adopted 7-0

and

(Continued on the Next Page)

3. Approve the revised *Amended and Restated Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach, the Redevelopment Agency of the City of Huntington Beach, and Beachview Investment, Inc., and authorize the Mayor and City Clerk to sign, execute, and record the agreement.

Approved 7-0

Redevelopment Agency Action:

1. Approve the revised *Amended and Restated Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach, the Redevelopment Agency of the City of Huntington Beach, and Beachview Investment, Inc., and authorize the Chairman and Agency Clerk to sign, execute, and record the agreement.

Approved 7-0

D-2. (City Council) Public Hearing to Consider Approval of the Issuance of Multifamily Housing Revenue Bonds for Hermosa Vista Apartments (Located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue) Affordable Housing Project – Adopt Resolution No. 2003-31 (.)

Communication from Economic Development Director.

Public hearing to consider approval of the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount of approximately \$9,000,000 the principal amount of which will be applied to the financing of the acquisition and rehabilitation of a 88*-unit multifamily residential rental facility to be commonly known as the Hermosa Vista Apartments (the "Project") to be located at 15363 & 15425 Golden West Street in the City of Huntington Beach, California.

The owner of the Project will be KDF Hermosa L.P., a California limited partnership.

*Publicly Noticed as 87 units.

All those interested in matters related to the issuance of the revenue bonds are invited to attend and be heard at the meeting, which will commence at 5:00 p.m., and will be held in the City Council Chambers, located at 2000 Main Street, Huntington Beach, California. If you have any questions regarding this matter, please call Michael LaPierre of the California Statewide Communities Development Authority, at (925) 933-9229, or the Huntington Beach City Clerk at (714) 536-5227. A staff report on the proposed bond issue will be available for public review at the Huntington Beach City Clerk's Office on April 30, 2003.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

1. Open the public hearing, take testimony, and close the public hearing on the proposed issuance of Multifamily Housing Revenue Bonds;

and

2. Adopt **Resolution No. 2003-31** - *"Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Multifamily Housing Revenue Bonds for the Purpose of Financing the Acquisition and Construction of the Hermosa Vista Apartments"* by the California Statewide Communities Development Authority (CSCDA).

Adopted 7-0

Councilmember Sullivan spoke re: median income and stated that he hoped more such projects could be planned.

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency regular meetings of February 3, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and Adopted 7-0
- E-2. (City Council/Redevelopment Agency) Approve Sale Under the City's Municipal Code Surplus Property Provisions of Property at 2502 Delaware Avenue for Habitat for Humanity Housing Project (Remnant from Yorktown Widening Project)** (.) - **City Council Actions:** - 1. Approve the sale of the parcel at 2502 Delaware to the Redevelopment Agency for \$112,500 (appraised value less 10%) and Authorize the Mayor and City Clerk to execute the *Grant Deed* from the City to the Redevelopment Agency and send to the County for recordation after the Agency Clerk has affixed the Acceptance Certificate of the Redevelopment Agency. **Redevelopment Agency Action:** 2. Authorize acceptance of the *Grant Deed* by the Redevelopment Agency. Submitted by the Economic Development Director/Deputy Executive Director and Administrative Services Director. Funding Source: Federal HOME Funds for the site acquisition costs by the Redevelopment Agency. (\$112,500 will be credited to Measure M account.)
Refer back to staff to evaluate sale price 7-0
- E-3. (City Council) Approve Final Tract Map No. 15964 of Tentative Tract Map No. 15964 (Peninsula Point - 13 Numbered/2 Lettered Lot Subdivision) e/s Main Street, n/o Clay Avenue at 19248 Main Street (Holly-Seacliff Specific Plan) – Approve Subdivision Agreement with Bonanni Properties & D.S. Products** (.)
1. Approve Final Tract Map No. 15964 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and 2. Approve the *Subdivision Agreement By and Between the City of Huntington Beach and Bonanni Properties & D. S. Products for Tract No. 15964* (A California General Partnership) and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map** (1) Final Tract Map No. 15964 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15964 Conditions of Approval, as approved by the City Council. **Requirements:** (1.) Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. (2.) The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 3SM 050 080 00 (Attachment No. 7); (b) Labor and Material Bond No. 3SM 050 080 00 (Attachment No. 7); (c) Monument Bond No. 3SM 050 079 00 (Attachment No. 7). (3.) The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable. ***Approved 7-0***

- E-4. (City Council) Adopt Resolution Number 2003-27 Regarding Classification Plan Compensation Amendment – Survey Party Chief (.) - Adopt Resolution No. 2003-27 - “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying a Classification and Compensation in the City Classification Plan.” Submitted by the Administrative Services Director. Funding Source: Funds are budgeted for fiscal year 2002/2003. (The Personnel Commission approved modification at their April 16, 2003 public hearing meeting.)**
Adopted 7-0
- E-5. (City Council) Adopt Resolution Number 2003-28 Approving Application for Land and Water Conservation Grant Funds for Sunset Vista Campground South Beach Improvement Project, Phase II (.) - Adopt Resolution No. 2003-28-“A Resolution of the City Council of the City of Huntington Beach Approving the Application for Land and Water Conservation Funds for Sunset Vista Campground within South Beach Phase II.” Submitted by the Community Services Director. Funding Source: Not Applicable; Council previously approved total funding for South Beach Improvements Phase II on February 18, 2003. (If grant is received, the city would be reimbursed for fifty percent of cost (projected cost \$225,000) by the Land and Water Conservation Fund.)**
Adopted 7-0
- E-6. (City Council) Continued from April 21, 2003 - Adopt Resolution No. 2003-25 Rescinding Resolution No. 2002-6 and Amending the Signature Delegation of Authority for the Execution of Professional Services Agreements (HBMC Chapters 3.02 & 3.03) from Department Heads to Department Positions (630.50) – 1. Repeal Resolution No. 2002-6; and 2. Adopt Resolution No. 2003-25 – “A Resolution of the City Council of the City of Huntington Beach Establishing the Delegation of Authority for the Execution of Contracts from Department Heads to Departmental Positions.” Submitted by the City Administrator. Funding Source: Not applicable. (The departmental positions are listed on an attachment to the staff report in the agenda packet.) (Also see Item G-2a - Ordinance No. 3604.)**
Adopted 7-0
- E-7. (City Council/Redevelopment Agency) Approve a Disposition and Development Agreement (DDA) Partial Assignment – Approve Assignment of Development Agreement – Approve Release and Assumption Agreement (Subdivision Improvement Agreement for Tract 15549) for Waterfront Residential (Beach Boulevard/Pacific View Avenue) (.) - Redevelopment Agency Actions: Approve a Partial Assignment and Assumption Agreement together with Confirmation and Consent by and among Mayer Financial, LP, PCH Beach Resort, LLC, Waterfront Hotel, LLC, PLC/Lyon Waterfront Residential LLC, William Lyon Homes, Inc., and PLC Waterfront, LLC for Waterfront residential parcel and authorized the Agency Chairperson and Agency Clerk to execute the Partial Assignment. (Attachment 1) City Council Actions: 1. Approve an Assignment of Development Agreement between Mayer Financial, LP, PLC/Lyon Waterfront Residential LLC, William Lyon Homes, Inc., and PLC Waterfront, LLC for the Waterfront residential parcel and authorize the Mayor and City Clerk to execute the Consent to Assignment. (Attachment 2) and 2. Approve a Release and Assumption Agreement (Subdivision Improvement Agreement for Tract 15549) between Mayer Financial, LP, and PLC/Lyon Waterfront Residential LLC, William Lyon Homes, Inc., and PLC Waterfront, LLC and authorize the Mayor and City Clerk to execute the Assignment and Release. (Attachment3) Submitted by the Economic**

Development Director/Deputy Exec. Director, Public Works Director and Planning Director. Funding Source: Not Applicable.

Approved 7-0

Councilmember Sullivan stated that he believes this Redevelopment Agency Project has worked out very well; that it is a well done Redevelopment Project. He congratulated the Mayer Corporation.

- E-8. (City Council) Approve Amendment to the Office of the City Clerk's Table of Organization Due to Proposed Elimination of One Deputy City Clerk Position and Approve the Reallocation of One Permanent Office Assistant I Position from Part Time to Full Time Effective May 10, 2003** (.) - Approve an amendment to the Office of the City Clerk's *Table of Organization*, which would eliminate one currently vacant Deputy City Clerk position and reallocate an existing (filled) permanent Office Assistant I position from part time to full time, to be effective May 10, 2003. Submitted by the City Clerk. Funding Source: Not Applicable. (The proposed *Table of Organization* will result in an annual budget reduction.)

Approved 7-0

- E-9. (City Council) Approve Transfer Ownership of Telecommunications Equipment Located at Orange County's Sanitation Facility to the County of Orange, from the City of Huntington Beach and Motorola (for City's 800 MHz Radio Reception Improvements)** (.) - Accept the terms of the *Agreement Regarding Acquisition of Telecommunications Equipment Between the County of Orange, Huntington Beach and Motorola* and authorize the Mayor and City Clerk to execute the agreement. Submitted by the Police Chief. Funding Source: Not Applicable.

Approved 7-0

- E-10. (City Council) Approve the Release of Securities for Tract No. 15838 located n/o Warner Avenue, e/o Plaza Lane - Accept the Public Improvements (William Lyon Homes, Inc.)** (.) - **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15838; **2.** Release the Faithful Performance/Labor and Material Bond No. 3SM96018200 and Monument Bond No. 3SM96018300 pursuant to California Government Code Section No. 66499.7(b); **3.** Accept the Guarantee and Warranty Bond No. 3SM96018200-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; **4.** Instruct the City Clerk to notify the developer, William Lyon Homes, Inc., a California Corporation, of this action and the City Treasurer to notify the Surety, **American Motorists Insurance** Company, of this action; **5.** Instruct the City Clerk to record the "Notice of Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

Approved 7-0

- E-11. (City Council) Approve the Release of Securities for Tract No. 15469 (Located n/o Warner Avenue, w/o Plaza Lane) – Accept the Public Improvements (Catellus Residential Group Inc.)** (.) - **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15469; **2.** Release the Faithful Performance/Labor and Material Bond No. 929128422 and Monument Bond No. 929128423 pursuant to California Government Code Section No. 66499.7(b); **3.** Accept the Guarantee and Warranty Bond No. 929128122; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; **4.**

Instruct the City Clerk to notify the developer, Catellus Residential Group, Inc., of this action and the City Treasurer to notify the Surety, **National Fire Insurance Company of Hartford**, of this action; **5.** Instruct the City Clerk to record the "Notice of Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

Approved 7-0

- E-12. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for Seapoint Street/Garfield Avenue Beach Outlet Storm Water Treatment Project; CC-1212 For Upper Bolsa Chica Wetlands Runoff Improvements** (.) - Approve the project plans and specifications and authorize the Director of Public Works to request bids for Seapoint Street/Garfield Avenue Storm Water Treatment Project, CC-1212. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Storm Water Quality Fund, Storm Water Treatment, Drainage Improvements. Funded by an Integrated Waste Management (IWM) grant (\$120,000) & Orange County Urban Runoff Matching grant (\$60,983). The engineer's cost estimate is \$150,000.

Approved 7-0

- E-13. (City Council) Approve the Release of Securities for Tract No. 15943 (located n/e of Garfield Avenue and Huntington Street) – Accept the Public Improvements (Sassounian, Adams and Zuckerman, LLC)** (.) - **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15943; **2.** Release the Faithful Performance/Labor and Material Bond No. 3SM98831800 and Monument Bond No. 3SM98831900 pursuant to California Government Code Section No. 66499.7(b); **3.** Accept Guarantee and Warranty Bond No. 3SM98831800-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; **4.** Instruct the City Clerk to notify the developer, Sassounian, Adams and Zuckerman, LLC, of this action and the City Treasurer to notify the Surety, **American Motorist Insurance Company**, of this action; **5.** Instruct the City Clerk to record the "Notice of Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

Removed from Agenda at request of staff

- E-14. (City Council) Approve Project Plans and Specifications and Authorize the Advertisement of Bids for Safe Routes to School Improvements Within the Agnes L. Smith Elementary School; CC-1210** (.) - **1.** Approve the project plans and specifications and authorize the Director of Public Works to request public bids for the construction of the Safe Routes to School Improvements, CC-1210; and **2.** Approve the attached sample contract subject to award of the contract to the lowest responsible/responsive bidder. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$264,000 are budgeted in the Safe Routes to School Grant (90% or \$237,600) and Measure M (10% or \$26,400). The Engineer's estimate is \$264,000. (A list of Improvements is set forth in the Staff Report.)

Approved 7-0

E-15. (City Council) Adopt Resolution No. 2003-29 Delegating Authority to the Public Works Director for Execution of Special Utility Easement Agreements (.)

Adopt **Resolution No. 2003-29** - *"A Resolution of the City Council of the City of Huntington Beach Establishing the Delegation of Authority for the Execution of Special Utility Easement Agreement."* Submitted by the Public Works Director. Funding Source: No funding is required.

Adopted 7-0

E-16 (City Council) Approve the Waterfront Residential Buffer Area Maintenance Reimbursement Agreement Between the City and Robert Mayer Corporation (.)

1. Approve and authorize the Mayor and City Clerk to execute the *Buffer Area Maintenance Reimbursement Agreement*; and 2. Authorize the City Clerk to record the *Buffer Area Maintenance Reimbursement Agreement* with the County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable. (The Developer shall reimburse the City in accordance with the annual report, in an amount not to exceed \$30,000).

Approved 7-0

City Clerk announced Late Communication submittal to Council of new Page #5 during meeting. This new page replaced the page announced earlier as a Late Communication by the City Clerk.

F. Administrative Items

F-1. (City Council) Receive and File Report on Funded and Unfunded State and Federal Legislative Mandates (.)

Communication from the Administrative Services Director informing Council that at the February 18, 2003 City Council Meeting, Councilmember Sullivan requested that staff return to City Council with a report outlining the current cost of unfunded state mandates. In order to provide a more comprehensive picture, funded state mandates and federal mandates have been included in this report.

Recommended Action: Motion to:

Receive and file report on state and federal mandates.

Administrative Services Director made PowerPoint Presentation.

Received & Filed 7-0

G. Ordinances**G-1. Ordinances for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3603 Amending Title 5 of the Huntington Beach Municipal Code Relating to Business Licenses and Regulations** (640.10)
Ordinance No. 3603 – *“An Ordinance of the City of Huntington Beach Amending Title 5 of the Huntington Beach Municipal Code Relating to Business Licenses and Regulations.”* (The City Treasurer’s staff report included in the agenda packet sets forth that these amendments to Title 5 of the Business License Ordinance do not trigger a Proposition 218 vote, and further sets forth that said changes do not increase the amount of any taxes currently identified in the ordinance.) (Ordinance approved for introduction on 04/21/03).

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3603** by roll call vote.

Adopted 7-0

- G-1b. (City Council) Adopt Ordinance No. 3605 Repealing Chapter 10.88 of the Huntington Beach Municipal Code Relating to Self-Propelled Wheelchairs** (640.10)
Ordinance No. 3605 – *“An Ordinance of the City of Huntington Beach Repealing Chapter 10.88 of the Huntington Beach Municipal Code Relating to Self-Propelled Wheelchairs.”* (Ordinance approved for introduction on 04/21/03)

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3605** by roll call vote.

Adopted 7-0

- G-1c. (City Council) Adopt Ordinance Nos. 3606, 3607, and 3608 Amending, Adding, Deleting Various Sections of Chapters 5, 9, and 13 of the Huntington Beach Municipal Code Relating to the Beach - Pier – Beach Parking Areas – RV Camping Area – Specific Events - Parades** (640.10) - Communication from Community Services Director of the following ordinances which bring Huntington Beach Municipal Code sections pertaining to the beach, pier, beach parking areas and RV camping area up-to-date with current procedures and terminology. Former specific events and parade Chapters have been deleted and combined into a new chapter. (Ordinances approved for introduction on 04/21/03)

Recommended Action: After the City Clerk reads by titles, adopt the following ordinances by roll call vote:

1. **Ordinance No. 3606** Beach Regulations – *“An Ordinance of the City of Huntington Beach Deleting Chapters 13.04, 13.12, 13.16, 13.20 and 13.24 of the Huntington Beach Municipal Code and Amending Chapter 13.08 Relating to Beach Regulations;”*

Adopted 7-0

and

2. **Ordinance No. 3607** Camper Facilities – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.28 of the Huntington Beach Municipal Code Relating to Camper Facilities;”*

Adopted 7-0

and

3. **Ordinance No. 3608** Specific Events – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapters 5.68 and 9.48 and Adding Chapter 13.54 Relating to Specific Events.”*
Adopted 7-0

G-2. Ordinance for Introduction

- G-2a. (City Council) Continued from May 5, 2003 - Approve Introduction of Ordinance No. 3604 Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Agreements** (640.10) Approve Introduction of **Ordinance No. 3604** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Section 3.03.020 Relating to Professional Services.”* (This ordinance clarifies department heads' signature delegation authority on professional contracts.) Submitted by the City Administrator.

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3604** by roll call vote. **(See Item E-6 for Resolution No. 2003-25.)**
Approved Introduction 7-0

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Mayor Connie Boardman****(City Council) Approve Councilmember Pam Houchen's Appointment as the City's Voting Delegate for the Special General Assembly Meeting of the League of California Cities (.)**

Communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: The League of California Cities will be holding a special General Assembly meeting in Sacramento at 1:00 PM on May 15, 2003 in conjunction with their Legislative Action Days, May 14 and 15, 2003.

They are convening the special session to discuss the May Revision of the State Budget and may need to take action on the State budget and/or other fiscal matters. They have asked that each of their member cities appoint a delegate to represent them at this meeting. They requested that we notify them no later than Friday, May 9, 2003 of the name of the city's designee for this responsibility.

Councilmember Houchen is planning to attend the Legislative Action Days on behalf of the City. I would, therefore, request the City Council approve her appointment as the City's delegate to the League's Special General Assembly meeting.

****** Communication from the League of California Cities is included in the agenda packet.

Recommended Action: Motion to:

Appoint Councilmember Pam Houchen to serve as the delegate for the City of Huntington Beach at a special General Assembly meeting of the League of California Cities to be held in Sacramento on May 15, 2003.

Approved 7-0

H-1b. Submitted By Mayor Connie Boardman**(City Council) Direct Staff to Collect from May 1 to June 2, 2003 the On-Line Public Survey Data Results Relative to the Budget (.)**

Communication from Mayor Connie Boardman transmitting the following **Statement of Issue**: The budget process is moving faster this year than last. To be sure we have the compiled results of the survey in time to be useful to the Council, I would like the on-line budget survey to be available to the public from May 1 to June 2 instead of from May 1 to June 30. I had meant to bring this up when the item was discussed at our meeting on April 21, but forgot. I realize this gives the public less time to participate in the survey, but I think one month will still give interested people in the community ample time to complete the survey.

Recommended Action: Motion to:

Direct staff to collect survey results from May 1, 2003, to June 2, 2003.

Mayor provided website: www.surfcity-hb.org

Approved Recommended Action 7-0

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Councilmember Gil Coerper spoke re: Yellow Ribbon Project and its goals to display country's hope for safe return of servicemembers; that he does not support the negative emails directed to Councilmember Cook.

Councilmember Cook stated that the negative mail had been received from outside the city; that supportive letters had been received from the community.

Councilmember Coerper spoke re: visit with Cpl. Eric Moore, a young soldier who received the Purple Heart. Councilmember Coerper stated that he was very proud of Mayor Boardman for her comments during gathering.

Councilmember Coerper recommended support of AB 1221 which would benefit City budget.

Mayor Pro Tem Green thanked CERT team who presented First Aid Training during downpour; moved everyone inside & worked very hard.

Councilmember Houchen stated that the Fourth of July Parade Committee is in need of funds and all those contributing \$100 or more will be entered in a drawing for chance to ride in Parade.

Councilmember Hardy stated the need for volunteers at the Library.

Council/Agency Adjournment to Monday, May 19, 2003, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Annexes on Friday Prior to Meetings. VideoTapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.surfcity-hb.org>